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 MONTGOMERY FAMILY TRUST, EDRA BLIXETH,
 AND OPSRING LLC

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DENNIS MONTGOMERY and the
 MONTGOMERY FAMILY TRUST,

Plaintiffs,

vs.

ETREPPID TECHNOLOGIES, LLC, WARREN
 TREPP, and the UNITED STATES
 DEPARTMENT OF DEFENSE,

Defendants.

AND RELATED CASES.

) Case No. 3:06-CV-00056-PMP-VPC
) BASE FILE

) (Consolidated with Case No. 3:06-CV-
) 00145-PMP-VPC)

) **EMERGENCY MOTION OF THE**
) **MONTGOMERY PARTIES FOR:**

) **(1) ORDER SEALING AND STRIKING**
) **DOCKET ITEM NOS. 540, 545, 546, 547,**
) **548, 550, 551, 552, 553, 554, 555, 556, 557**
) **AND ANY SUBSEQUENT FILINGS BY**
) **NON-PARTY/FORMER COUNSEL**
) **MICHAEL FLYNN;**

) **(2) ORDER REQUIRING ALL**
) **PERSONS SERVED WITH THOSE**
) **FILINGS TO DELETE/DESTROY ANY**
) **AND ALL COPIES OF THE SAME AND**
) **TO SUBMIT A DECLARATION OF**
) **COMPLIANCE TO THE COURT;**

) **(3) ORDER BARRING FURTHER**
) **FILINGS BY NON-PARTY/FORMER**
) **COUNSEL MICHAEL FLYNN, CARLA**
) **DI MARE AND ALFRED RADA**
) **WITHOUT PRIOR LEAVE OF COURT**

EMERGENCY MOTION

Dennis Montgomery, individually (“Montgomery”), and The Montgomery Family Trust, who are the plaintiffs in the base file matter 3:06-CV-00056-PMP-VPC and, along with Dennis Montgomery and Brenda Montgomery, as trustees of the Montgomery Family Trust, (collectively the “Montgomery Parties”), who are the defendants in the member case 3:06-CV-00145-PMP-VPC, hereby move ex parte for:

(1) An order sealing and striking docket item nos. 540, 545, 546, 547, 548, 550, 551, 552, 553, 554, 555, 556, 557 (the “Flynn Filings”) and any subsequent filings by non-parties Michael Flynn (“Flynn”), Carla DiMare (“DiMare”), or Alfred Rada (“Rada”), the Montgomery Parties’ former counsel of record;

(2) An order requiring all persons served with the Flynn Filings and any subsequent filings by non-parties/former counsel Flynn, DiMare and Rada to delete/destroy any and all copies of the same and to submit a declaration of compliance to the court; and

(3) An order barring any and all further filings by non-parties/former counsel Flynn, DiMare or Rada without prior leave of Court, which leave shall be sought by motion or application (including the proposed filing) filed under seal and served only on the Montgomery Parties.

This emergency motion is brought on the grounds that the Flynn Filings use, reveal and rely upon information relating to the prior representation of the Montgomery Parties in this action by Flynn, DiMare and Rada in violation of Nevada Rules of Professional Conduct, Rule 1.9 and are extraordinarily damaging and prejudicial to the Montgomery Parties as well as counterdefendants Edra Blixseth (“Blixseth”) and Opspring LLC (“Opspring”).

1 This motion is based upon this Notice of Emergency Motion and Motion, the following
2 memorandum of points and authorities, the Flynn Filings, the pertinent pleadings and orders of
3 record, and all such further evidence and argument as may be considered in further support hereof.

4 Dated: April 29, 2008

Respectfully submitted,

5 LINER YANKELEVITZ
6 SUNSHINE & REGENSTREIF LLP

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8 By: _____/S/
9 Deborah A. Klar
10 Tuneen E. Chisolm
11 Attorneys for DENNIS MONTGOMERY,
12 the MONTGOMERY FAMILY TRUST,
13 EDRA BLIXETH, AND OPSPRING LLC
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MEMORANDUM OF POINTS AND AUTHORITIES

As and for their memorandum of points and points in support of their emergency motion for the above-specified orders, the Montgomery Parties adopt and incorporate herein by this reference the [Proposed] Findings of Fact and Conclusions of Law lodged concurrently herewith and attached hereto for the Court's convenience.

Dated: April 29, 2008

Respectfully submitted,

LINER YANKELEVITZ
SUNSHINE & REGENSTREIF LLP

By: _____/S/
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Tuneen E. Chisolm
Attorneys for DENNIS MONTGOMERY,
the MONTGOMERY FAMILY TRUST,
EDRA BLIXETH, AND OPSRING LLC